

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
May 07, 2015

5:00 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

CONDITIONAL USE PERMIT HEARINGS

Goshen Planning Area

a: Fritchie Farms CUP

Approved

LAND DEVELOPMENT HEARINGS

County

b: Saddlebock Brewery Expansion LSD

Approved

CONDITIONAL USE PERMIT HEARING

Fayetteville Planning Area

c: Elkhorn Springs Road Dirt Pit Expansion #2 CUP

Approved

LAND DEVELOPMENT HEARINGS

Fayetteville Planning Area

d: Elkhorn Springs Road Dirt Pit Expansion #2 LSD

(To be tabled at the request of the applicant)

Tabled

CONDITIONAL USE PERMIT HEARING

County

f: Summers Missionary Baptist Church CUP Youth Center/Gymnasium

(To be tabled due to lack of resubmittal)

Tabled

LAND DEVELOPMENT HEARINGS

County

g: Summers Missionary Baptist Church LSD Youth Center/Gymnasium

(To be tabled due to lack of resubmittal)

Tabled

1. ROLL CALL:

Roll call was taken. Members present include, Daryl Yerton, Randy Laney, Cheryl West, Walter Jennings, and Kenley Haley. Chuck Browning and Robert Daugherty were not present.

2. APPROVAL OF MINUTES: *Daryl Yerton made a motion to approve the minutes of April 02, 2015. Kenley Haley seconded. All board members were presents in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Cheryl West made a motion to approve the agenda. Walter Jennings seconded. All board members present were in favor of approving. Motion passed.*

4. NEW BUSINESS

CONDITIONAL USE PERMIT HEARING

Goshen Planning Area

a. Fritchie Farms CUP

Conditional Use Permit Approval Request

Location: Section 05, Township 16 North, Range 28 West

Owners: Herman and Carol Salsbury

Applicant: Matthew Fritchie

Location Address: west of 15656 Ball Rd

Approximately 12.0 acres / Proposed Land Use: Wedding/Event Venue

Coordinates: Latitude: 36.08237377, Longitude: -93.97470331

**Project #: 2015-075 Planner: Nathan Crouch / Courtney McNair email: ncrouch@co.washington.ar.us
CMcNair@co.washington.ar.us**

REQUEST: Conditional Use Permit approval to allow a Wedding/Event Center on a parcel of land that is approximately 12 acres in size.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per 2 acres).

PLANNING AREA: This project is located within Goshen's Planning Area. A lot split will need to be completed. Both Goshen and Washington County will need to review and approve the lot split.

QUORUM COURT DISTRICT: District 15, Butch Pond

FIRE SERVICE AREA: Goshen VFD

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water- Fayetteville

Electric- Ozarks Electric

Natural Gas- N/A

Telephone- AT&T

Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owners of this property are Herman & Carol Salsbury. The applicant is Matt Fritchie. This property is located off of Ball Road (near the intersection of Ball Road, WC 330 and Goshen-Tuttle Road, WC 79).

The applicant is requesting Conditional Use Permit approval to allow the use of a wedding/event center in an area zoned for agricultural and residential uses.

This proposed project is located within Goshen's Planning Area. The minimum lot size Goshen will allow is two acres. The applicant is proposing to split approximately 12 acres with this project, so it does meet the minimum lot size requirement.

The proposed project proposal includes construction of a new barn (event center), parking area and driveway, and associated septic system. An outdoor wedding venue is also proposed on site. Hours of operation will generally be from 10:00 a.m. until 10:00 p.m. on Fridays, and 8:00 a.m. until 10:00 p.m. on Saturdays. The applicant is planning to accommodate parking of 70-85 vehicles, depending on occupancy. The occupancy will be set by the applicant's architect, dependent on the configuration and size of the facility they agree upon. The applicant has stated that outdoor entertainment will not be amplified, and no fireworks will be allowed. With this proposal the applicant will not provide alcohol and will not apply for any permits with Alcohol Beverage Control board, but alcohol will be allowed on a catered basis.

(Please see applicant's letter and site sketches, A14-A18)

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

The applicant contacted Mt. Olive Water about connecting this project to their water system. Ray Eaton has indicated that this project is in the Mount Olive Water service area and can connect.

Planning Staff met with the Goshen Fire Chief, Nathan Wood, to discuss the project. The nearest fire hydrant is off-site, and further than 500' away. In order to meet minimum requirements of the AR State Fire Code, water tanker support will be necessary to provide enough water to the site in the event of a fire. Round Mountain and Nob Hill Fire Departments will provide mutual aid with tanker support.

Due to Nob Hill Fire Department's largest tanker having a 38' turning radius, the Goshen Fire Chief, Nathan Wood, the Washington County Fire Marshal, Dennis Ledbetter, and planning staff all feel that no turning radius within the designated fire lanes for this proposed project can be less than 38'. Some radii are shown smaller on the concept sketches, but the applicant understands these radii must be updated when the Preliminary LSD is submitted.

Additionally, the water tankers need a clear area to deliver water. The Fire Marshal and Goshen Fire Chief have recommended the pick-up/drop-off area be designated as a fire lane, large enough to support Nob Hill Fire Department's largest tanker, and looped in such a way that when the tanker is empty it can pull away and the next tanker can easily move into that position. Fire lanes along the drive and within the parking area must be marked (can be marked with signage- if the drive and lots are gravel; or marked with paint- if the drive and lots are paved). **(see attached sketch for approximate fire lane area, A-19)**

Through further conversation with the County Fire Marshal, planning staff will require the applicant's architect to set the final occupancy load, ensure the building meets Arkansas State Fire Code, and is ADA compliant. A statement will be required at Final Large Scale Development (LSD) stating that the project meets Arkansas State Fire Code and ADA requirements.

Architectural drawings for the event structure, signed and stamped by a licensed architect, are required and must be submitted prior to, or concurrent with Preliminary LSD. These plans should show the proposed ingress/egress paths, exit/emergency lighting, and fire extinguishers, as well as all other information needed to meet Arkansas State Fire Code and ADA compliance. The connection between the building and the handicapped parking spaces, as well as the restrooms, must be ADA compliant.

The applicant must comply with any Health/Safety/Fire Code recommendations made by the architect. The Fire Marshal will review the plans, make comment, and must approve plans before project can move forward at Preliminary LSD, or be occupied.

The applicant is proposing a "warming only" kitchen. He understands that if a commercial kitchen is desired further review will be necessary.

Planning

Official sight distance for the new entrance will need to be stated at Preliminary LSD. Planning staff visited the site in order to measure the available sight distance from three different possible locations, and found one location to be marginally acceptable. Since the sight distance was so close to the threshold, staff is requiring the applicant's engineer to certify the sight distance meets or exceeds the minimum County Code at Preliminary LSD. The applicant's engineer provided a preliminary sketch and statement about the sight distance. **(see sight distance sketch and engineer's email, attachment A20-21)**. The engineer feels sight distance can be met with some grading and vegetation removal.

The applicant provided a conceptual drawing of how he envisioned the interior layout of the barn. **(See attachment A22-23)**

When discussing the impact this proposed project may have on neighboring properties, noise-related

issues were considered. The applicant is proposing no firework use or outdoor amplified music. These restrictions should help lessen potential impact on the neighbor's enjoyment of their own properties during the hours of operation of this proposed event center.

The applicant does not know if a dumpster is desired at this time. If a dumpster is placed, staff must approve the placement and will require it to be screened with an opaque material, including the gate, so it won't be visible to neighbors.

Sewer/Septic/Decentralized Sewer/Health Dept:

Melissa Wonnacott, of the Arkansas Department of Health (ADH), stated that in an event center, the water usage is based on 5 gallons per person per day, but if the intent is to use the establishment only two or three days a week, a septic system can be designed to address that. When the Designated Representative submits a design, they will take this into account.

This project is proposing to utilize an individual septic system. Soil work has been completed and was submitted on 04/13/15 by Linda Mayo Tillery, of Water & Environmental Testing of NWA, LLC. According to this report, the soils appear to be adequate. **(see attachment A24)**

The septic system must receive approval from the Health Department before it is installed, and be inspected by the Health Department prior to occupation of the proposed building.

The septic system (primary and alternate area) must be delineated (landscaping/fencing/other barrier) to prevent anyone from parking or driving in this area. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed.

The applicant is requesting a "warming only" kitchen at this time. Full details will be required at Preliminary LSD. A retail food service permit may be required. Please contact David Cowan at the Washington County Health Department to discuss. The proposed project must be in compliance with the regulations of the Arkansas Department of Health.

Electric/Phone:

No comments were received from AT&T. Ozarks Electric commented that 3 phase power is not available (the applicant does not plan on 3 phase power at this time), and that any relocation of OECC facilities would be at the developer's expense.

Roads/Sight Visibility/Ingress-Egress/Parking:

This property accesses off Ball Road, WC #330, which is a county maintained gravel road. As per AR State Fire Code, the driveway must be a minimum of 20' wide if it is 500' or less in length. If the length exceeds 500' then the width will need to be increased to 24' minimum.

The driveway location along Ball Road needs to be carefully placed for sight distance requirements, as discussed earlier in this staff report.

No parking is allowed within Washington County's road right-of-way (ROW). No work in County ROW (i.e. clearing, grading, driveway installation) may take place without a permit. The Road Department requires 30' ROW to be dedicated on the applicant's side of the road (if applicant owns both sides, both sides must be dedicated).

Drainage:

A Preliminary Drainage Study has been submitted by the applicant's engineer. In the study, the applicant's engineer, Geoff Bates, states that "due to the small increase in peak runoff, the close proximity of the streams and the long buffer between the development and the stream, detention is not proposed."

The Washington County Contract Engineer has no comments on this proposed project at this time. A full drainage study is required at Preliminary LSD.

Environmental Concerns:

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Signage/Lighting/Screening Concerns:

All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately. **(for examples, see attached diagram A25)**

The applicant has indicated that signage is desired. No signage is allowed within Washington County's road right-of-way (ROW). As this is a rural area, staff recommends the signage be approximately 24 sq. ft. in size and not directly lit. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed. No additional signage is allowed to be placed, and if the applicant chooses to use lighting for the sign, it must be indirectly lit.

Planning staff conducted site visits on 3/23/15 and 4/15/15. Staff noted that due to the topography and proposed location of the event center, it would be difficult to see it from the road or neighboring properties. Therefore, no additional screening will be required. Care should be taken to leave existing vegetation on the north and west property boundaries intact.

City of Goshen's Concerns:

The City of Goshen submitted no comments on this project.

Addressing Concerns:

The 911 Address for the proposed barn will be assigned when the exact location of the proposed event center is known. The applicant must apply for an address to be assigned.

Sheriff's Office Concerns:

Washington County Sheriff's Office has provided no comments on this project.

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are primarily single family residential and agricultural.

While the proposed project is not residential, staff feels that the applicant's request is compatible with the surrounding uses with conditions.

The proposal will be low impact. Visually, the site will appear "agricultural" in nature (barn exterior the same, parking and drive area will be gravel). Outdoor music is not to be amplified, and staff is recommending size and lighting restrictions on signage.

County's Land Use Plan (written document):

Staff feels that the traffic and nature of this proposed use will be "light commercial".

According to the County's Land Use Plan,

2. LIGHT COMMERCIAL

Continuing with the primary goal of retaining the rural characteristics of Washington County, light commercial uses should be allowed if:

- a. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses.

Staff feels that this project meets the goal of the County's Land Use Plan. The proposed event center is compatible to residential uses because it is low impact and will not disrupt the normal development of this area. Staff feels that the proposed use will not cause a negative impact on the surrounding properties as it will appear "agricultural" in nature. It will not be detrimental to or endanger the public health, safety, morals,

comfort, or general welfare as all appropriate utilities and infrastructure will be installed. In addition, the responding emergency service (Goshen VFD) has reviewed this project and stated that they have adequate equipment to provide emergency services to this establishment.

Future Land Use Plan

The Future Land Use Plan for this area shows that it is “Residential Compatible to Surrounding Densities”. This portion of the County Future Land Use Plan was extrapolated from the City of Goshen’s adopted Future Land Use Plan for this area. While the proposed use is not residential, but due to the low impact nature of this use, and recommended conditions, staff feels this project will be compatible with the surrounding uses.

The City of Goshen submitted no comments.

NEIGHBOR COMMENTS/CONCERNS:

(All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal.)

Staff has not received any written comments from neighboring property owners. Staff received one phone call about this project. After conversation it appeared to staff that the neighbor’s concerns were resolved.

Staff will update you at the meeting if any additional neighbor comments are received.

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Fritchie Farms Conditional Use Permit with the following conditions:

Water/Plumbing/Fire Conditions:

1. If total length of drive does not exceed 500’, all access roads and parking area drives must be a minimum of 20’ wide. If the drive exceeds 500’ in length, the minimum width is 24’.
2. All access roads and parking area drives must have a 38’ turn radius at minimum, and fire lanes and access roads must be compacted to support 75,000lbs in all weather conditions.
3. Fire lanes along the drive and within the parking area must be marked (can be marked with signage- if the drive and lots are gravel; or marked with paint- if the drive and lots are paved).
4. The pick-up/drop-off area must be looped in such a way that when the water-tanker is empty it can pull away and the next tanker can easily move into that position.
5. A “warming only” kitchen is allowed. If commercial kitchen is desired, additional review will be required.
6. The building must meet Arkansas State Fire Code.
7. Exit lights/emergency lights and fire extinguishers are required.
8. The Fire Marshal will inspect all improvements prior to the building being occupied.
9. The applicant’s architect is to set the final occupancy load, and ensure the building meets Arkansas State Fire Code, and is compliant with ADA standards.
10. The connection between the building and the handicapped parking spaces, as well as the restrooms, must be ADA compliant.
11. Architectural drawings for the event structure, signed and stamped by a licensed architect, are required and must be submitted prior to, or concurrent with Preliminary LSD.
12. Architectural plans should show the proposed ingress/egress paths, exit/emergency lighting, and fire extinguishers, as well as all other information needed to meet Arkansas State Fire Code and ADA compliance.
13. The applicant must comply with any Health/Safety/Fire Code recommendations made by the architect.
14. The Fire Marshal will review the plans, make comment, and must approve plans before project can move forward, or be occupied

Planning Conditions:

1. Official sight distance for the new entrance will need to be stated at Preliminary LSD. The proposed grading must be shown on the Preliminary LSD plans. The applicant's engineer is to certify the sight distance meets or exceeds the minimum County Code at Preliminary LSD.
2. No fireworks or outdoor amplified music is allowed.
3. ~~Pay \$100 CUP fee prior to CUP approval.~~ **PAID**
4. No outdoor music is to be played after 8:00 p.m.

Septic Conditions:

1. The septic system must receive approval from the Health Department before it is installed.
2. The system will be inspected by the Health Department prior to occupation of the proposed building.
3. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed. (No overflow parking either).
4. The septic system (primary and alternate area) must be delineated (landscaping/fencing/other barrier) to prevent anyone from parking or driving in this area.
5. The applicant is requesting a "warming only" kitchen at this time. Full details will be required at Preliminary LSD. A retail food service permit may be required. Please contact David Cowan at the Washington County Health Department to discuss.
6. Project must be in compliance with the regulations of the Arkansas Department of Health.

Roads/Sight Visibility/Ingress-Egress/Parking Conditions:

1. No signage or parking is allowed within Washington County's road right-of-way (ROW).
2. The Road Department requires 30' ROW to be dedicated on the applicant's side of the road (if applicant owns both sides, both sides must be dedicated).
3. Any work (i.e. clearing, grading, driveway install) to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.

Drainage

1. A full drainage study is required at Preliminary LSD.

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Utility Conditions:

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.

Signage/Lighting/Screening Conditions:

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
2. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
3. No additional signage is allowed to be placed without additional review.
4. If the applicant chooses to use lighting for the sign, all signage must be indirectly lit.

5. If a dumpster is placed, staff must approve the placement and will require it to be screened with an opaque material, including the gate, so it won't be visible to neighbors.
6. Care should be taken to leave existing vegetation on the north and west property boundaries intact.

Additional and Standard Conditions:

1. A lot split will need to be completed. Both Goshen and Washington County will need to review and approve the lot split.
2. ~~Pay mailing fees of \$41.40 (an invoice was emailed to the applicant on 4/28/15).~~ **PAID**
3. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with all ADA regulations.
4. Hours of operation must be generally as stated (Fridays: 10:00 am to 10:00 pm; Saturdays: 8:00 am to 10:00 pm).
5. The applicant must apply for an address to be assigned.
6. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
7. This CUP must be ratified by the Quorum Court.
8. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
9. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
10. This project does require additional Planning Board review (Large Scale Development). Therefore, the preliminary LSD must be submitted within 12 months of this CUP's ratification.

Washington County Planner, Nathan Crouch, presented the staff report for the board members.

Public comments.

Carolyn Jordan, neighbor off 15920 Goshen Tuttle Road, stated that she received a text from Matt Pummel, neighbor off Wandering Way, stating that he is strongly opposed to the project. Also Rania Edmisten, neighbor to the west, is also strongly opposed.

She also presented some emails from neighbors that were not able to attend that are opposed to the project: Ellie Watson and her husband, neighbor off Hill Road, are concerned with drunk driving, heavy traffic, and loud music. Debbie Ludolph and Randy, neighbor off corner of Wandering Way and Goshen Tuttle, are also concerned with increased traffic, drunk driving, and noise nuisances. Richard Owens, neighbor off Hill Road, is also concerned about the noise, traffic, and drunk driving which will affect the property value and peace of mind in the country. He wishes for the council to block this project.

Ms. Jordan stated, "Recently the citizens of Goshen squashed Mae's Barn that was just in Goshen's city limits. Mae's Barn project was different because it had issues getting access to the fire trucks, hydrants, and water. I live between two curves from Ball Road. That was one of the major reasons why the City of Goshen did not approve Mae's Barn. It was a safety hazard. I'm terrified that my family is going to be killed by an impaired driver leaving the wedding barn. If you don't have alcohol you don't have a wedding barn. That's why people go to wedding barns. We're strongly opposed. In that valley the noise really travels. I can hear my neighbors talking and children playing. We are country people. We enjoy being outside on the weekend. I don't want to listen to a band every Friday/Saturday night. That's the time we are home enjoying our property. But that's going to be the barn's busiest time of the year, spring and fall. That's not low impact. If they were operating during the weekdays that would be low impact but not on Friday and Saturday nights. Lastly, the wedding barn is not defined as agricultural".

Becky Martin, a neighbor from within 300 ft of the proposed event center, stated "I'm opposed to the project. They are directly across the dirt road from my property. I've heard various comments tonight and I am concerned. The Fritchie Farms application is very vague and nonspecific. For example, they discussed that they'll have events such as weddings, birthdays, and special occasions. Someone needs to define 'special occasions'. It was mentioned that the traffic will be low impact like church traffic. However,

people who are drinking don't go to church. That's not the same type of traffic. Also the hours of operations are not defined. I quote, 'the hours of operations are mostly Friday and Saturday', that leaves an additional 5 days of the week of which these events can take a place. In regards to the lighting and the noise, Mr. Fritchie states that he would like to keep all the music inside the barn. He doesn't say that he is going to but would 'like' to. From the letter, Mr. Fritchie states that he would like to keep the lights from shining into the neighbor's houses. What neighbor's houses will be affected? I chose to live out in the county. If I wanted to live next to an event center I would. It's my understanding that zoning laws are in place for the protections of our property and rights. I feel like Mr. Fritchie's application is vague so that in the future it can become anything. If you grant it, it might even become a bar. I ask the board to please deny this conditional use permit. We have zoning laws in place for very specific reasons. If you allow this, we will lose protection from property rights, protections from our community goals, conservation of our existing neighborhoods, prevention of mixing incompatible land uses, protection from commercial nuisances, protection from encroachment, and individual property rights. Will this zoning change my property taxes? I feel like this project was not thought through very well. The traffic on the 35 mph dirt road will increase. We do not know how much the traffic will increase. They're waiting on the review of the septic tank system to determine the occupancy. It might be 75-80 cars going at 35 mph in a residential area. They will not allow it to happen in Fayetteville; don't let it happen on Ball Road."

Clay Cooper, neighbor off 608 Hale Road, stated "I have a problem with this project. I've been in the military for 20 years. Every place I moved into there's always been a problem. There is a very delicate DNA that makes a neighborhood. When you inject something alien in there, it changes the whole dynamic of it. I can see the whole valley becoming very bitter of it. I'm a small business owner myself. I understand the importance of a business. However, you have to go into a place where you are appreciated. You have to have the support of the neighbors. Without their support, you might as well pack up and go somewhere else. As for the sound, I can hear Mrs. Jordan's donkey every day. I'm 1,000 yards away. I can also hear Mike and Carolyn talk. I'm hard of hearing. In the military they categorized it as a 3. (4 is the worst. 1 is the best). I am a 3 and I can still hear them. What bothers me is that I want to sit on a front doorstep. We want to enjoy the quiet nights. Goshen is very special. By putting this wedding barn in it would destroy the entire culture. I applaud them for trying to put in a business. I lived for 20 years in different areas. I finally found a place I can call home. But sad to say I might be moving on. This is my final place. My question to you is it?"

Bernadette Boyle, neighbor at 925 Tuttle Road, stated, "There are a lot of neighbors off of Tuttle Road. None of us were notified. Maybe we were 301 ft away from the project. My concerns are the noise ordinances which are not defined. The valley echoes. You can hear a door shut. I don't feel it's fair to put a strain on the Goshen fire department. We just had a large house fire on Wandering Way on a paved road. They could not extinguish a brick structure. How are they going to go down a gravel road to fight fires? I'd like to know if they will adhere to the red flag warnings we have every summer. It's all grassland out there. It will go up like nothing. My house is right across the street. My biggest concern is the drunk driving off Ball Road. The first thing you are going to hit is my property. I'm not going to be liable for drunk drivers. Those are my concerns."

Charles Langham, neighbor off 911 Hale Road, stated, "I completely agree with what all the people have said. One thing I would add is the noise issues. It's an unusual area. All the fields have deep ravines. We're all on the same altitude. We can hear neighbors when they have pool parties and bands like it's outside our houses. As far as my concerns, I'm more concerned about my sons, grandsons, and the property value. We have some excellent area that could be developed into homes someday. I would definitely like to reinforce the alcohol issue. I'm not for that at all. Please take that into strong consideration. Thank you very much."

Dana Quinn, neighbor off of Goshen-Tuttle Road and Wandering Way, stated, "One thing that has been stated twice this evening is that the Goshen zoning is 1 house per 2 acres, not 1 acre. This area is zoned as a rural single family residential / agricultural. I noticed in the letter that the Fritchie people have put their hours of operation from Friday and Saturday, 10am-10pm and 8am-10pm. The word "mostly" was in there. The board members should be aware that they did not put 'mostly' in their approval recommendation."

David Mashie, neighbor within 300 ft of the project, stated, "I'm against it for the reason stated. Here's a letter for the record."

Dr. Rita Zelei, resident for 13 years, stated, "We questioned why this variance is even considered. It has no intrinsic value, benefit, or worth to the area. We united the neighbors 100% against this project. It was the biggest the project since Waterford. This barn is adjacent to Goshen's city limits. We were successful in opposing Mae's party barn. It was denied by unanimous vote on April 14, 2015. A month later we have another barn proposal. Do they think they can slip something by the county and not the city? I'm suspicious. We are all opposed. We seek your support to deny this. There are no businesses in the area to benefit from the retail sales. Nobody's going to buy anything heading to the party barn. There will be no additional revenue. Washington County and Goshen will be burdened with fire, safety, traffic, and noise monitoring. It'll be a financial strain for the county and Goshen to provide these services. It'll also be hard on the personnel and staff. But it is especially hard on the neighbors who are victims of this unwanted zoning change."

Carolyn Jordan, neighbor off Goshen Tuttle road, asked about the hours of operation. She stated, "If their hours of operations are 10'o clock on Friday and Saturday night, does that mean we have to wait until 10'o clock to go out and enjoy our homes on the weekend? Also a concern with property values, when you sell your home, you have to disclose any type of nuisances in the neighborhood. If not you are liable. If any of the neighbors disclose that information, that'll cut down on the potential buyers and that's going to affect the dollar value for our property value. Also I want to mention that not one neighbor is in support of this venue. I hope the board takes this into consideration knowing that the venue is unwanted in our area. Thank you."

Steve Polesander, Builder for the applicant, stated, "They painted a picture of us as monsters coming into these weddings. People go to wedding barns to have party because they're country people. They're country people just like you. I don't know where they go painting this picture of such a terrible group of people going to barn wedding? As far as property values, there is already a wedding venue next to a high end development. It doesn't seem to affect any property value."

Matt Fritchie, Applicant, stated, "My intention was not to hurt anybody. I'm a retired firefighter. I've been injured in the line of duty. This project is a way for me to work and enjoy life. I have multiple injuries that do not allow me to do any physical work as a paramedic or any fire department. With this project I can do yard work and provide a nice place for people to have an event. I understand the alcohol issue, by no means am I ever going to serve alcohol in my barn personally. I'm not going to provide it. Someone said that to have a wedding you have to have alcohol. I got married two years ago and we didn't have alcohol at our outside wedding barn. It's not everybody. Like Steve said we are not monsters. I just want you to know from the bottom of my heart I am not coming to change the neighborhood. I admit that the letter was written poorly. My hours planned to be Friday 10 am -10 pm and Saturday 8 am -10 pm. Those were my specific plans. I just messed up and wrote it that way. I apologize for some of the things written in the letter. My wife and I have a one year old girl. We just found out that we're having another one in December. We're not looking to go and move out a party scene. It's not our intention. We're planning on building out there in the next few years. My family is going to move out there. My brother in law is a Pastor and he's moving out there as well. So we're not looking for a party house. We just want a wedding venue to have a wedding in. Saturday is the only time you'll have the bulk traffic. My intention is not to hurt anybody. I'll leave it in your hands. Please get to know me."

Leonard Quinn, neighbor off Wandering Way, asked, "If a sorority or fraternity wanted to rent the barn to drink, would you rent it to them?"

Matthew Fritchie, replied, "That's a good question; the only thing we provide for is wedding venues and special occasions. Is that what you're referring to? My thoughts would be birthdays, graduations, or work parties. I do see what you're saying. I haven't thought about that at all. My goal is a wedding venue for two people to get married. That's my whole thought."

Leonard Quinn, stated, "We got the wedding venue covered in Goshen. Let me state that the little chapel that they have set up for weddings is not a pole barn. It's a high class wedding venue. It's not a party barn but it looks like a party barn."

Bernadette Boyle, asked Mr. Fritchie to define what he is planning to do. She stated, "Once the board grants his approval we will have a mess to deal with."

Randy Laney, Planning Board Chairman, replied, "Any specific questions will be answered at the next meeting. Tonight we are only deciding on the Conditional Use Permit part of the project. At the next meeting, Large Scale Development, we will be able to answer the specific details."

Carolynn Wood, stated, "I just handed the board members some articles regarding Mae's barn. The article talks about what a nuisance it is to the neighborhood, the noise, traffic, trash, and alcohol. It's a summer long agony. It's about big business sweeping the country. This is the second wedding barn in our community in a month. One man quoted that he was a prisoner in his own home. I cannot find one article that is for the wedding venue."

Public Comments Closed.

Juliet Richey, Planning Board Director, wanted to clarify some public comments regarding the zoning code. She stated, "We have zoning in Washington County that is zoned agricultural / single family residential by right. However, other uses are allowed via a Conditional Use Permit process. They are not prohibited. They are not allowed by right but they are allowed if they are granted a Conditional Use Permit. This is not a variance. A variance is a strict deviation from our code. Our code was built to consider different types of uses via commercial or high density residential by the CUP process. It's not a variance. It does not affect the zoning on your property. It affects only this property. The base zoning would remain if the CUP is granted. The agricultural / single family residential would remain but you would have a special use that is allowed."

"The Planning Board has three options. They can approve it with no conditions, deny it, or approve with conditions that they feel will allow the proposed project to meet the required criteria. In the staff report they go through the full requirements criteria. Mr. Crouch went through the conditions during this presentation.

"Staff does evaluate the criteria and looks at them very closely. They have to file an application, pay a fee, and provide proof that the property owners within 300 ft are notified by certified mail. There are also criteria regarding adequate utilities, road, drainage, and other public services. There were several comments made about fire. We met specifically with the Goshen Volunteer Fire Department Chief. They had direct input with our process. The Fire Marshall has direct input in our project. This has gone through technical review with both agencies. We also asked the Sheriff's office for comments. We have other infrastructural people: Environmental Affairs, County Road Department, and the County Engineer reviews it as well. I want to assure you that this project has been thoroughly reviewed.

"We also looked at compatibility. Compatible does not mean exactly the same. It means they are able to co-exist with one another. I understand there are different, strong opinions about it. You have to understand it does not mean homogenous use for zoning area. How we determine compatibility has to do with the conditions. The Planning Board can talk more about conditions that we recommended, or add more conditions. The traffic is equal to an 8 lot subdivision. I understand your concerns with the traffic. Straight residential use generates a lot of traffic as well. The traffic has been evaluated by the Road Department and County Engineer. Alcohol is regulated by the state board, ABC board (Alcoholic Beverage Control). They have regulations for the distribution and consummation of alcohol.

"As for Mae's barn, we are familiar with the project. We sent one of our staff to the meeting because the road exited on a county road. There were very specific concerns with the project dealing with sight visibility and the bridge being able to support a fire truck. Those are very specific issues that are not specific to this site. I understand the location is generally the same. From the county stand point the objections were related to those issues. We vetted the same issues for this site. We meet with the same

Fire Chief and Fire Marshal for this project. I want to stress that these are different projects even though they seem the same for you. Also nuisance disclosure: things have to be proven to be nuisances. If it's something that you dislike, that does not make it a nuisance. There's a legal difference."

Kenley Haley, Planning Board Member, stated, "Most of my comments are for large scale. So the road meets the width requirement? The sight distance will be met with the clearing of the trees. As far as the music, is that something at large scale to consider?"

Juliet Richey, replied, "That can be addressed now. What was proposed is that any outdoor music is unamplified."

Kenley Haley, stated, "I understand the issue with the noise in the valley. If they are playing music until 10 pm maybe we should address that."

Daryl Yerton, Planning Board member, asked, "Are you thinking of maybe having it inside?"

Kenley Haley, replied, "I think inside and maybe at certain hours."

Randy Laney, Planning Board Chairman, stated, "If you wanted to add that proposal you will need to start a motion."

Kenley Haley made a motion to have indoor music only.

Daryl Yerton, asked, "Is this for non-amplified acoustic music?"

Kenley Haley, answered, "Correct."

Walter Jennings, stated, "Non-amplified inside is too restrictive. I can see reducing the hours or not having it outside. But people play CDs and music. That's the way, wedding goes."

Kenley Haley withdrew the previous motion. She stated that having music inside would help.

Daryl Yerton, asked Mr. Fritchie if having inside music only be adverse to his business.

Mr. Fritchie, replied, "My plan was to keep it indoors. For the ceremony outside during the wedding we will have non-amplified music. Then we'll move inside for the reception."

Walter Jennings, Planning Board Member, made a motion to approve the CUP with staff recommendations and in addition to limit outside unamplified music by 8:00 pm and inside amplified music will stop by 10:00 pm.

Courtney McNair, Washington County Senior Planner, stated, "We would like to include the conditions that there will be no fireworks on site."

Kenley Haley, seconded the motion.

Public Comments Closed.

*Walter Jennings made a motion to approve the **Fritchie Farms CUP** subject to staff recommendations and the addition of the unamplified music outdoors after 8:00 pm condition alternation. Kenley Haley seconded. Chuck Browning and Robert Daugherty were not present. Board Members Randy Laney, Walter Jennings, Daryl Yerton, Cheryl West, and Kenley Haley were in favor of approving. Motion passed.*

LAND DEVELOPMENT HEARINGS

County

b. Saddlebock Brewery Expansion LSD

Final Large Scale Development Approval Request

Location: Section 22, Township 17 North, Range 29 West

Owner/Developer: Carolyn Rehbock/ Steven Rehbock/White River Specialty Leasing

Engineer: Swope Consulting, Phil Swope

Location Address: 18250 Habberton Road, Fayetteville, AR

2 acres / Proposed Land Use: Brewery Expansion

Coordinates: Lat/Long: 36.13078857, -94.06031427

Project #2014-149 Planner: Courtney McNair, e-mail: CMcNair@co.washington.ar.us

REQUEST: The applicant is requesting Final Large Scale Development (LSD) plan approval to allow the expansion of the previously approved brewery use on 2.02 acres. The applicant has constructed a back patio, increased the size of the existing tasting room (within the existing building), and added a restroom. In addition, this request is to allow un-amplified music to be played outdoors, allow volleyball and horseshoe areas, and bring into compliance several additions that were not reviewed with the original CUP approval in 2011.

In September 2014, this project received both Conditional Use Permit approval (CUP 2014-048) and Preliminary LSD plan approval to allow this expansion.

This project was tabled at the April 2, 2015 Planning Board Meeting due to concerns about the septic system installation.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre). They received a CUP in 2011 for the brewery use (CUP 2011-129). CUP 2014-048 was approved in September 2014 to allow an expansion of the brewery use.

PLANNING AREA: This project is located solely in the County.

QUORUM COURT DISTRICT: 15, Butch Pond **FIRE SERVICE AREA:** Nob Hill VFD

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Fayetteville Electric-Ozarks Electric Natural Gas- SourceGas
Telephone- ATT Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is White River Specialty Leasing; the applicant is Steve Rehbock. The Engineer is Phil Swope with Swope Consulting, and the architect is Charles Henry of Henry Architecture. This property is located off Habberton Road, WC #89 (near the intersection of Guy Terry Road and Habberton Road). The address is 18244 Habberton Road.

The applicant is requesting Final Large Scale Development (LSD) plan approval to allow the expansion of the previously approved brewery use on 2.02 acres. The applicant has constructed a back patio, increased the size of the existing tasting room (within the existing building), and added a restroom. In addition, this request is to allow un-amplified music to be played outdoors, allow volleyball and horseshoe areas, and bring into compliance several additions that were not reviewed with the original CUP approval in 2011.

This project came to the board in August 2011 for a variance to allow it to be exempt from certain Large Scale Development rules due to the City of Goshen's restrictions on lot size. The variance was approved; the original CUP 2011-129 was approved in November 2011. (Since this time, Planning Jurisdiction has changed and the project is no longer located within Goshen's Planning Area).

In September 2014, this project came through with an expansion request. Both CUP 2014-048 and the Preliminary LSD were approved.

This expansion includes:

- Increasing the tasting room by 200 sq ft (expanding the occupancy from 20 people to 25 people).
- Adding a restroom
- Adding a back patio (sq.ft.) with seating for 25 people
- Allowing unamplified music (indoor/outdoor)
- Adding volleyball and horseshoes (no alcohol is permitted for these areas).
- Adding a boiler room
- Extending operating hours
 - Monday-Thursday 2pm-9pm
 - Friday-Sunday noon-9pm
- Adding two cooler/storage areas (these were constructed without prior approval).
- Adding offices and storage upstairs
- Adding seating to the 2 existing outdoor decks- 10 seats per deck (20 total).
- This brings the total occupancy to 70 people.

These improvements were constructed (and publicly occupied without final inspections or approval). They were not constructed to the architectural plan specifications.

On February 18, 2015, Washington County Planning Staff and Fire Marshal met onsite with the owner, architect and engineer to discuss how to bring the expansion LSD into compliance. A timeline was given (see attached letter, dated 2/18/15). Staff completed an inspection on Monday, March 23, 2015. Some small items remained to be completed.

The State Alcohol Beverage Control (ABC) Board will regulate all conditions that deal with the manufacturing and distribution of alcohol for the proposed micro-brewery. Washington County Planning will require that the applicant abide by all conditions made by the ABC Board and that the applicant will provide Planning Staff with copies of all permits issued to them by the ABC Board. The preliminary request made to the ABC Board for expansion has been approved. The ABC officers accompanied staff on March 23, 2015 for an inspection of the expansion area as well. Planning staff is waiting for a copy of the Final Approved ABC Permit (it is the applicant's responsibility to provide this to Planning).

All conditions approved with projects 2011-129 and 2014-048 and Preliminary LSD shall apply to this project.

This project was tabled at the April 2, 2015 meeting due to concerns about the lack of installation of the required septic system. Since that time, the applicant has taken steps to begin the upgrade of the system as was approved with the Preliminary LSD. At the time of this staff report, the septic system is being installed. Staff hopes that the installation will be complete, and the Health Department will have time to inspect/approve the system prior to the Planning Board Meeting. Staff will update the Board at that time.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

This property is serviced by Fayetteville Water and is in the Nob Hill Volunteer Fire Department (VFD) Service Area. It was in Goshen's Fire Department review area (because it was in Goshen's Planning Area) when the project received approval in 2011 (with Nob Hill VFD Response Area). When the Planning Area for the City of Goshen was reduced, Goshen no longer reviews this area, so it is under Nob Hill VFD review and response.

A two-inch waterline was extended to this property in order for Fayetteville to service the lot with water in 2011. This line will not be used for the purpose of fighting fires, as it is not large enough. Adequate tanker support is available to provide water for firefighting for the brewery. Nob Hill has not commented on the

current proposal. The Washington County Fire Marshal has reviewed this project and submitted comments.

All items the Fire Marshal noted to be incomplete were completed by the Final Inspection on April 27, 2015.

Fire Lane signs were installed, all fire extinguishers are mounted properly to the wall, the basement fire extinguisher was relocated for easier access, an exit light over the basement exit was added and the grade at the bottom of the grain stairs was corrected. The parking spaces shown are fine and should not impact the fire lane (as long as there is a clear 20-foot wide fire lane). The ADA parking sign was replaced as required.

Sewer/Septic/Decentralized Sewer:

As stated above, the approved septic system upgrades are currently being installed. This must be completed, inspected and approved prior to Final LSD approval.

No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed. The alternate area is on an adjacent property (owned by the applicant). A separate easement legal description has been written and filed with the Circuit Clerk. This easement area is shown on the plans.

Electric/Gas/Cable/Phone:

Ozarks Electric, AT&T Telephone, Source Gas, and Cox Communications did not comment on this project.

Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.

Roads/Sight Visibility/Ingress-Egress/Parking:

The driveway was widened and the apron paved with the CUP approval in 2011. The Road Department has no further comments.

Parking is shown on the plans. There are a total of 25 parking spaces and one ADA parking space. The engineer has stated that this is adequate for the proposed total number of patrons. Parking cannot block fire lanes at any time.

Drainage:

The Washington County Contract Engineer reviewed and approved the drainage report submitted for this project.

Environmental Concerns:

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Signage/Lighting/Screening Concerns:

All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately

No additional lighting, signage, or screening is being requested with this project.

State Alcohol Beverage Control (ABC) Concerns:

The ABC accompanied Washington County staff on the inspection held March 23, 2015. Generally, the brewery is in compliance. The property is not permitted for alcohol to be allowed on the full site, only the tasting room, new back patio, and front decks. Signage has been posted stating that no alcohol is allowed beyond these points.

According to an email from Aaron Farmer of ABC, "ABC will not issue another permit, but will not allow operation of new section until a final permit is completed. I see no reason at this point it will not be

accepted (by the ABC)". It is the applicant's responsibility to provide a copy of the Final ABC Permit to Planning once it is received.

NEIGHBOR COMMENTS/CONCERNS:

At the CUP and Preliminary LSD, all neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. Final LSD projects do not require an additional mailing.

At that time, one "In Favor" comment was received. No additional comments have been currently received.

Staff will update you at the meeting if any additional comments are received.

CHECKLIST:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

Important Information Checklist	Inadequate	Acceptable	Complete
City/Planning Area Issues			✓
Planning Issues/Engineering Issues			✓
Road Issues			✓
Fire Code Issues			✓
Utility Issues			✓
Health Department Issues	X		
Other Important Issues			✓
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements			✓
Info to supplement plat			✓

All checklist items are complete.

STAFF RECOMMENDATION: IF the septic system installation is completed, inspected and approved by ADH, Staff recommends approval of the proposed Saddlebock Brewery Expansion Final Large Scale Development with the following conditions:

Water/Plumbing/Fire Conditions:

No remaining conditions. All conditions have been met at this time. It is the applicant's responsibility to keep the facility in compliance with AR State Fire Code

Septic Conditions:

1. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed (is located on an adjacent property).
2. The septic system must be installed. It must then be inspected and approved by ADH.

Roads/Sight Visibility/Ingress-Egress/Parking Conditions:

1. No parking is allowed within the Washington County Right-of-way.
2. Parking cannot block fire lane at any time.

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Utility Conditions:

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.

Signage/Lighting/Screening Conditions:

1. Signage cannot be placed in the County Right-of-Way.
2. No additional signage is being requested or approved with this project.
3. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
4. The existing vegetation along the North side of the property shall be retained for screening. If vegetation is removed, Planning Staff will review for additional
5. screening requirements.

Standard Conditions:

All conditions approved with projects 2011-129 and 2014-048 shall apply to this project.

1. Only un-amplified music is approved.
2. Hours of operation must be generally as stated, Monday-Thursday 2pm-9pm, and Friday-Sunday noon-9pm.
3. No additional employees are proposed or approved at this location.
4. Occupancy is limited to that set by the engineer: Expanded Tasting Room: 25, Two Existing Decks: 20 (10 each), Proposed Deck: 25 (Total of 70 people)
5. Pay engineering fees of \$50.00 within 30 days of project hearing (invoice was emailed to applicant on 5/1/15).
6. The applicant must comply with the Alcohol Beverage Control board and submit copies to Planning Staff of all permits issued by the ABC for this project.
7. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
8. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
9. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

Washington County Planner, Courtney McNair, presented the staff report for the board members.

No Public comments.

Public Comments Closed.

*Daryl Yerton made a motion to approve the **Saddlebock Brewery Expansion LSD** subject to staff recommendations Cheryl West seconded. Chuck Browning and Robert Daugherty were not present. Board Members Randy Laney, Walter Jennings, Daryl Yerton, Cheryl West, and Kenley Haley were in favor of approving. Motion passed.*

CONDITIONAL USE PERMIT HEARING

Fayetteville Planning Area

c. Elkhorn Springs Road Dirt Pit Expansion #2 CUP

Conditional Use Permit Approval Request

Location: Section 08, Township 16 North, Range 31 West

Owners: Larry and Tawana Hillian/Les Rogers, Inc.

Applicant: Les Rogers

Location Address: Across the street from 14842 Elkhorn Springs Road

Approximately 12.66 acres, Proposed Land Use: Mining/Dirt Excavation/Pit Expansion

Coordinates: Latitude: 36.07443640, Longitude: -94.29942304

Project #: 2015-029 Planner: Juliet Richey email: JRichey@co.washington.ar.us

REQUEST: Conditional Use Permit Approval for Elkhorn Springs Road Dirt Pit Expansion #2 to transition existing agricultural/ residential property (directly adjacent to an existing pit operated by Les Rogers, Inc.) to open pit red dirt/clay/gravel extraction operations.

CURRENT ZONING: Project does lie within the County Zoned area (Agriculture/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is located within the City of Fayetteville's Planning Area.

QUORUM COURT DISTRICT: District 7, Rick Cochran.

UTILITIES: The project is in the service area of WWA, Ozark Electric, AT&T Telephone, and Cox Communications.

BACKGROUND/ PROJECT SYNOPSIS:

The applicant is requesting Conditional Permit approval for Elkhorn Springs Road Dirt Pit Expansion #2 to transition existing agricultural/residential property (directly adjacent to an existing pit operated by Les Rogers, Inc.) to open pit red dirt/clay/gravel extraction operations. This property is owned by Larry and Tawana Hillian and under lease to Les Rogers, Inc. for mining purposes.

This operation proposes the improvement and extension of an existing haul road and red dirt pit operations (extraction of clay and gravel). (This application does not include a request for quarrying of rock. The *existing* entrance to the Dirt pit on Elkhorn Springs Road is proposed to be used for this expansion. **No new entrance points onto to any roads are proposed with this submittal.** The existing entrance does not appear to have an address point, but is located on the north side of Elkhorn Springs Road (across the street from 14842 Elkhorn Springs Road, Fayetteville, AR, 72704). Please see attached map for more details.

This operation proposes the expansion of red dirt pit operations to include an additional +/-12.66 acres of permit area. Of the +/-12.66 acres of proposed permit area, only +/-4.965 acres of area proposed to be mined (remaining area will be used for buffers, sedimentation pond, etc.).

As outlined in the letter of explanation from the engineer, there has been a dirt pit in operation in this area for the past 15 years. Originally the pit operated solely on parcel 001-11554-000 (owned by Les Rogers). At this time it appears that all mining activity (with the exception of haul roads and sedimentation ponds) has ceased on this portion of the site, and it has been primarily re-vegetated and considered to be in reclaimed status by ADEQ.

In 2008, Washington County Planning Board approved a Large Scale Development permit (Project #2007-149) to expand the mining area north onto a portion of the parcel that was submitted with this project, 001-11546-000 (owned by the Hillian family). This plan permitted a +/- 19.95 acre permit boundary with +/- 9.5 acres of disturbed area within the boundary. In 2008, this area was not yet zoned, therefore no CUP was required at that time; only compliance with the LSD process (with which Mr. Rogers complied).

Mr. Rogers now seeks to expand the mining area west of the 2008 permitted area for mining as proposed on the attached plan.

Please see the attached explanation letter, pg. C12-C14, and site plans, pg. C11 (submitted by the applicant's engineer) for further information.

At CUP we are evaluating whether or not this proposed use is appropriate for this site (in the manner it is proposed) - or if it could be made appropriate/compatible with the addition of any conditions. As per our zoning ordinance, we must evaluate the proposed use using the below criteria:

(a) *The Board shall hear and decide requests for a conditional use and may authorize such if it finds:*

- (1) That a written application has been filed with the Planning Office and the appropriate fee has been paid. **Received 4-5-15**
- (2) That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail. **Completed 4-8-15**
- (3) That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted.
- **No additional utilities are needed to service this site for the proposed expansion.**
 - **No additional traffic is proposed. The Road Department has inspected Elkhorn Springs Road and found no road deficiencies related to the existing operation; therefore no improvements will be required at this time as traffic impact is proposed to stay as it is currently. The applicant understands that they will be responsible for fixing and any future damage to the County Road specifically attributable to their operation. This is noted on their plans.**
 - **The interior haul road will be widened and paved as per County regulations (40' wide x 250'in length), although the ingress egress point will remain in the same location. Intersection sight distances for turning movements from the site onto Elkhorn Springs Road are adequate.**
- (4) That the proposed use is compatible with the surrounding area.
- **The interior haul roads have been/are proposed to be located well away from neighboring property lines.**
 - **Due to the intensity of the traffic and operations of a dirt pit, staff is hesitant to recommend less than 100'-150' wide buffers along all adjoining property lines. The recommendation of 100'-150' buffers is in line with what has been recommended in the past for other industrial/mining CUPs submitted to this office.**
 - **The plans show 100' buffer to the south, 150' buffer to the east, 100'-150' buffers to the north, and a 60' buffer along the Western property line. Staff feels that the areas with the 100'-150' will be adequately buffered. The applicant has stated that although a buffer only 60' in width is proposed along the western property line, they plan to further buffer the area by the addition of a 48' wide, 8' tall berm to mitigate the reduction in buffer width. Planning Staff feels that the addition of this berm will be adequate to alleviate any concerns regarding reduced recommended buffer width provided that:**
 - **The berm is in place prior to red dirt mining beginning on the property**
 - **The berm is vegetated to prevent erosion**
 - **The berm is a minimum of 8' in height and 48' in width as proposed**
- (5) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (6) That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area.
- (7) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone.

The following bullet points address criteria points (5), (6) and (7) above:

- ***The project as proposed appears to be adequate in regard to safety. There are no fire concerns. There are no intersection sight distance issues, and the interior haul roads will be improved with this expansion.***
- ***This project proposes to continue the operation at the same intensity as the existing operation, but to mine adjacent land as the existing mining area is reclaimed. Therefore, other than the impact of the operation moving somewhat closer to three adjoining land owners, the impact to others in the area should remain unchanged or lessen somewhat from what it has been in years past. A berm is proposed to be placed on the western and southern edges to mitigate impacts to the landowners these sides of the operation. The applicant's engineer has stated that Mr. Rogers has met with the adjacent property owners to the west and that they are happy with the project as proposed. At this time staff has not received any communication from the landowners to the west of the project to indicate whether they are in favor or opposed to the project. Staff has received information from the property owner to the south (Mr. Williams) stating that he is fully in support of the project.***
- ***Some neighbor concerns (seven received to date) have been received. From the comments and proximity of some of the neighbors who responded it was unclear to staff if their concerns were truly with this particular operation or the combined impact on HWY 16 of several mining operations in the area whose trucks utilize this portion of HWY 16 (or even traveling to and from construction sites or other areas). HWY 16 is a busy thoroughfare and subject to the types of traffic that any major arterial highway would expect. The proposed expansion does not propose any additional impacts to HWY 16 or Elkhorn Springs Road.***

Other concerned neighbors' proximity indicates that they are probably impacted by noise from this operation; however, as this expansion serves to utilize area as existing mining areas are reclaimed; the impacts should remain the same as the existing impacts.
- ***Safety and compatibility issues are discussed in depth below.***

(b) If it is determined that there exist conditions that could be imposed by the Board that would significantly lessen the impact of the aforesaid, then the Board has the power to impose said conditions which shall be specifically set forth.

- ***Conditions are recommended by staff (see recommendations section at the end of the staff report)***

If a CUP for this project is approved, this project will be subject to all applicable Washington County Large Scale Development Regulations (see attached LSD regulations specific to this type of development (**pgs. C21- C23**)). Other development regulations may also apply).

PRIMARY CONCERNS AND ISSUES RELATED TO DIRT PIT OPERATIONS IN GENERAL:

- 1. Sight visibility and safety in regard to truck traffic and Elkhorn Springs Road**

The sight distance visibility and safety aspect regarding the proposed entrance point from the mining site onto the public road is always a point of concern for staff.

Planning Staff required that the applicant's engineer submit sight distance information for (40 mph) turning movements from the site onto Elkhorn Springs Road. The engineer was required to use the AASHTO Green Book standards to determine the needed distances. The engineer performed these calculations and **the available sight distances were found to be adequate**. The sight distances are listed on the LSD plans (**see pg. C11**) and on a separate letter submitted by the Engineer (**see pgs. C16- C17**)

- **Right turns onto Elkhorn Springs: 499.8' sight distance required; 1,405' of sight distance available**
- **Left turns onto Elkhorn Springs: 558.6' sight distance required; 1,702' of sight distance available**

2. Buffering from surrounding Properties in regard to noise, quality of life, property values, and incompatibility of uses.

This project proposes to continue the operation at the same intensity as the existing operation, but to mine adjacent land as the existing mining area is reclaimed. Therefore, other than the impact of the operation moving somewhat closer to three adjoining land owners, the impact to others in the area should remain unchanged or lessen somewhat from what it has been in years past. A berm is proposed to be placed on the western and southern edges to mitigate impacts to the landowners these sides of the operation. The applicant's engineer has stated the Mr. Rogers has met with these property owners to the west and that they are happy with the project as proposed. At this time staff has not received any communication from the landowners to the west of the project to indicate whether they are in favor or opposed to the project. Staff has received information from the property owner to the south (Mr. Williams) stating that he is fully in support of the project.

The interior haul roads have are proposed to be located away from neighboring property lines.

Due to the intensity of the traffic and operations of a dirt pit, staff is hesitant to recommend less than 100'-150' wide buffers along all adjoining property lines. The recommendation of 100'-150' buffers is in line with what has been recommended in the past for other industrial/mining CUPs.

The plans show 100' buffer to the south, 150' buffer to the east, 100'-150' buffers to the north, and a 60' buffer along the Western property line. Staff feels that the areas with the 100'-150' will be adequately buffered. The applicant has stated that although a buffer only 60' in width is proposed along the western property line, they plan to further buffer the area by the addition of a 48' wide, 8' tall berm to mitigate the reduction in buffer width. Planning Staff feels that the addition of this berm will be adequate to alleviate any concerns regarding reduced recommended buffer width provided that:

- The berm is in place prior to red dirt mining beginning on the property
- The berm is vegetated to prevent erosion
- The berm is a minimum of 8' in height and 48' in width as proposed

3. Concern regarding impact to the County road and the possible need for road improvements to accommodate the proposed use.

No additional traffic is proposed. The applicant has stated that an average of 60 trucks per day (the existing traffic load for the existing operation) is what is proposed for the expansion area.

The Road Department has inspected Elkhorn Springs Road and found no road deficiencies related to the existing operation; therefore no improvements will be required at this time as traffic impact is proposed to stay as it is currently.

The applicant understands that they will be responsible for fixing and any future damage to the County Road specifically attributable to their operation.

4. Concern regarding debris and tracking on County or other public roads

The applicant has provided a thoroughly written plan for dust and tracking abatement as dictated by LSD regulations. This plan covers inclement weather issues and equipment for mitigation and cleanup (a water truck and sweeper) proposed to be kept onsite.

This plan has been reviewed and approved by the County Road Department and County Engineer. Please see **page C15** to review the full plan.

5. Environmental Concerns

At this time there have been no substantial environmental concerns brought to light.

The applicant's engineer has submitted a full drainage study including the addition of a sediment pond. This plan has been reviewed by the County Engineer and found to be adequate. The applicant has also submitted a stormwater pollution and prevention plan (SWPPP). This plan was also reviewed and approved by the County Engineer.

Prior to operation a stormwater permit and mining permit must be obtained via ADEQ.

NEIGHBOR COMMENTS AND PROXIMITY

On April 8, 2015, 175 neighbor notifications were mailed (via certified mail) to all property owners within ½ mile of the project parcels.

As of May 1, 2015, staff has received eight neighbor comments:

- 1 in favor
- 1 stated concerns/asking questions
- 6 opposed

These comments are shown in full in the attachments (**pgs. C26- C33**) and Staff has also created a map to show the proximity of the commenters to this CUP (**see pg. C24**) and a spreadsheet showing their general concerns and whether they were in opposition or in favor of this project (**see pg. C25**)

CITY PLANNING AREA COMMENTS:

This project lies within the City of Fayetteville's Planning Area. The City of Fayetteville had no comment of this project.

STAFF RECOMMENDATION: Planning Staff recommends approval of this CUP with the following conditions:

Planning Conditions:

1. CUP is generally subject to the site layout, elements, and notes shown on the submitted plan and accompanying explanation letter, traffic statements, dust abatement statements, etc .
2. All required ADEQ approvals, permits, or NOIs must be in place prior to any mining taking place.

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Utility Conditions:

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.
2. Please indicate utility easements along highway frontage (AR 16) on LSD plans.

Signage/Lighting/Screening Conditions:

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
2. The applicant has stated that although a buffer only 60' in width is proposed along the western property line, they plan to further buffer the area by the addition of a 48' wide, 8' tall berm to mitigate the reduction in buffer width. Planning Staff feels that the addition of this berm will be adequate to alleviate any concerns regarding reduced recommended buffer width provided that:
 - o The berm is in place prior to red dirt mining beginning on the property
 - o The berm is vegetated to prevent erosion
 - o The berm is a minimum of 8' in height and 48' in width as proposed
 - o The berm is inspected by staff prior to any mining
3. Care should be taken to leave existing vegetation on the west and south property boundaries intact if possible.

Additional and Standard Conditions:

1. Pay mailing and engineering fees (an invoice will be supplied by County staff).
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. This CUP must be ratified by the Quorum Court.
4. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
5. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project does require additional Planning Board review (Large Scale Development). Therefore, The Preliminary LSD must be submitted within 12 months of this CUP project's ratification.

Washington County Planning Director, Juliet Richey, presented the staff report for the board members.

Walter Jennings, Planning Board member, asked, "Will there be any blasting?"

Juliet Richey, Washington County Planning Director, replied, "They stated specifically they will not do any blasting."

Public comments.

Jim Binns, neighbor off Highland Church, stated, "I'm not affected by this dirt pit. I do want to go on the record opposing the expansion of the dirt pit. My main point is that we need some 'real' zoning in the county. At night time my neighborhood is brighter than the historic district of Fayetteville. We're in a residential area. People live here. Most people come out and live in the rural area for a certain lifestyle. We expected cattle, ticks, deer, and chicken houses, not dirt pits. The reason this is a sore spot for me is that a few years ago Tom Terminella was going put to a red dirt pit 50 ft from my property line. My life would have been ruined. That's all I own. The idea that one person or company can come in and impact an entire neighborhood with their project is rather unfair. The neighborhood was here before the dirt pit. My attitude is that we need some real zoning for a place where people can live and a place for strip mines and business. In the city there are rules for where bars and strip clubs will be. We don't put them next to schools for example. I think there are places we need in the future for business as this county grows. We need some real zoning to make sense. Not just place projects wherever because a person can buy some

property. That's my point. I like to think that residents have a right to live without breathing dust and diesel fumes. I'm not against business. There just needs to be place for them. Thank you for your time."

Public Comments Closed.

Daryl Yerton made a motion to approve the **Elkhorn Springs Road Dirt Pit Expansion #2 CUP** subject to staff recommendations Walter Jennings seconded. Chuck Browning and Robert Daugherty were not present. Board Members Randy Laney, Walter Jennings, Daryl Yerton, Cheryl West, and Kenley Haley were in favor of approving. Motion passed.

LAND DEVELOPMENT HEARINGS

Fayetteville Planning Area

d. Elkhorn Springs Road Dirt Pit Expansion #2 LSD (To be tabled at the request of the applicant)

Preliminary Large Scale Development Approval Request

Location: Section 08, Township 16 North, Range 31 West

Owners: Larry and Tawana Hillian/Les Rogers, Inc.

Applicant: Les Rogers

Location Address: Across the street from 14842 Elkhorn Springs Road

Approximately 12.66 acres, Proposed Land Use: Mining/Dirt Excavation/Pit Expansion

Coordinates: Latitude: 36.07443640, Longitude: -94.29942304

Project #: 2015-076 Planner: Juliet Richey email: JRichey@co.washington.ar.us

Cheryl West made a motion to approve the agenda, thus tabling the project. Walter Jennings seconded. All board members present were in favor of approving. Motion passed.

CONDITIONAL USE PERMIT HEARING

County

e. Summers Missionary Baptist Church CUP Youth Center/Gymnasium (To be tabled at the request of the applicant)

Conditional Use Permit Approval Request

Location: Section 16, Township 15 North, Range 33 West

Owner: Summers Missionary Baptist Church c/o Roland Bailey

Applicant: Dax Morton

Location Address: 22055 US HWY 62 West

Approximately 13 acres. Proposed Land Use: Church multi-use building/gymnasium/youth center

Coordinates: Latitude: 35.97703229, Longitude: -94.48436066

Project #: 2015-045 Planner: Juliet Richey email: JRichey@co.washington.ar.us

Cheryl West made a motion to approve the agenda, thus tabling the project. Walter Jennings seconded. All board members present were in favor of approving. Motion passed.

LAND DEVELOPMENT HEARING

County

f. Summers Missionary Baptist Church LSD Youth Center/Gymnasium (To be tabled at the request of the applicant)

Preliminary Large Scale Development Approval Request

Location: Section 16, Township 15 North, Range 33 West

Owner: Summers Missionary Baptist Church c/o Roland Bailey

Applicant: Dax Morton

Location Address: 22055 US HWY 62 West
Approximately 13 acres. Proposed Land Use: Church multi-use building/gymnasium/youth center
Coordinates: Latitude: 35.97703229, Longitude: -94.48436066
Project #: 2015-046 Planner: Juliet Richey email: JRichey@co.washington.ar.us

Cheryl West made a motion to approve the agenda, thus tabling the project. Walter Jennings seconded. All board members present were in favor of approving. Motion passed.

5. Other Business

- Discussion of Current Development and Planning Department Activities.
- Staff Training (recent):
 - Juliet, Nathan, and Courtney attended the National Planning Association Conference in mid-April.
 - Phuong attended a floodplain workshop in April.
- Reminder of upcoming regular Planning Board meetings **June 4, 2015 and June 25, 2015.**
- Updates on appeal projects:
 - East Prairie Grove Tower CUP (pending in Federal Appeals Court).
- Any other Planning Department or Planning Board business.

6. Old Business

7. Adjourn

*Cheryl West moved to adjourn. Walter Jennings seconded. Motion passed.
All Board members were in favor of approving.*

Planning Board adjourned.

Minutes submitted by: Phuong Pham

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman